

## REMARKS

The Examiner rejected Claim 1. Claim 1 has now been amended and is now the pending claim.

The Examiner objected to the drawings on various grounds. Applicant is submitted herewith new Figures 3 to 10 to comply with the Examiner's objection. It is respectfully requested that the examiner withdraw the objection to the drawings.

The examiner also objected to the specification for reciting a Figure 3 in the Brief Description of the Drawings and for failing to include reference numerals corresponding to the items in the drawings. Applicant is submitting a new Figure 3 and has revised the specification to cure the informalities. The new Specification in marked-up format is attached hereto as Exhibit 1 and in clean format as Exhibit 2. No new matter has been added by the enclosed drawings and revised specification. Thus, Applicant respectfully requests that the Examiner withdraw the objection to the specification.

The Examiner rejected Claim 1 under 35 U.S.C. § 112 ¶ 2 due to the use of the phrase "such as." Applicant has now amended Claim 1 to eliminate the offending phrase and respectfully requests that the Examiner withdraw this rejection.

The Examiner also rejected Claim 1 under 35 U.S.C. § 103 as being unpatentable over Hall (U.S. Patent 4,386,778) in view of Whitney (U.S. Patent 5,456,573). As explained below, Applicant's invention as claimed in Amended Claim 1 is patentably distinct from the cited references.

The present invention is directed to a game, primarily for entertainment, directed to running a business involving general construction mot highway construction. The present invention requires strategy between players not merely a race around a board as

in the cited prior art. The game board as set forth in Amended Claim 1 is unique in that it simulates an actual roadway with u-turn capabilities and address locations. The present invention allows the player to utilize a random number selection device, i.e. dice, and move a truck or trucks around the roadway in a strategic fashion by dividing the chosen number between trucks if appropriate and by choosing the direction on the roadway. The object of the game of the present invention is for a player to accumulate the most money.

With respect to Whitney, the object of that game is to complete a sequence of operations and not to accumulate a pre-determined amount of money. The game of Whitney is limited to highway construction not a general construction business method game. Further, the game board of Whitney has two tracks and a random number selector that dictates the outcome and forces the player to move its piece a designated number of spaces only. It does not disclose simulated roadways and the ability to strategically divide the random number between simulated vehicles.

Hall is likewise distinguishable in that the Board disclosed in Hall does not contain a simulated roadway. In addition, it does not allow for strategically dividing up the determined random number between a number of trucks.

Applicant respectfully submits that amended Claim 1 is patently distinct from Whitney or Hall either alone or in combination. Thus, Applicant respectfully requests that the Examiner allow pending Claim 1 as amended.

**Respectfully Submitted,**

October 17, 2005

By:



Arthur M. Peslak, Esq.

Reg. No. 35,642

Attorney for Applicant

**MANDEL & PESLAK, LLC**  
80 Scenic Drive, Suite 5  
Freehold, New Jersey 07728